

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Helio, LLC	:	
	:	
Application for a Certificate of Service	:	
Authority to Operate as a Wireless Reseller	:	05-0728
of Telecommunications Services in the State	:	
of Illinois.	:	

ORDER

By the Commission:

On November 18, 2005, Helio, LLC ("Helio") a Delaware Limited Liability Company with its principal place of business in California, but which is authorized to conduct business in Illinois, filed a Verified Application with the Commission. Helio seeks a Certificate of Service Authority to provide resold interexchange and exchange telecommunications services, in the State of Illinois, pursuant to Section 13-404 of the Public Utilities Act, 220 ILCS 5/1-101, *et seq.* (the "Act"). Helio also sought waivers of Parts 710, 735 and 250 of the Illinois Administrative Code.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, this matter came on for a hearing before a duly authorized Administrative Law Judge of the Commission at its offices in Chicago, Illinois, on January 5, 2006. At the conclusion of the hearing, the record was marked "Heard and Taken."

Helio's Vice-President of Operations, Terrence Boyle, testified in support of the Application. Mr. Boyle testified that Helio is a joint venture between Earthlink and SK Telecom Wireless Services. Helio will be reselling Sprint and Verizon services to provide wireless services. These resold services, however, tie into the network. Mr. Boyle's testimony and the other evidence provided established that the Applicant is a Delaware Limited Liability Company. Its principal place of business is in California and it is authorized to transact business in Illinois.

Mr. Boyle sponsored as Exhibits the Applicant's financial statements, which demonstrate that Helio has the financial qualifications to provide telecommunications services in Illinois. Mr. Boyle's testimony and the documentary evidence submitted established that the Applicant has the requisite technical, managerial and financial qualifications to provide telecommunications services in Illinois. That evidence additionally established that the Applicant's management has the requisite training and experience in the telecommunications field. The Applicant has additionally established that has procedures in place to guard against "slamming" and "cramming" and that it intends to

abide by all federal and state "slamming" and "cramming" laws. (Section 258 of the Telecommunications Act of 1996 and Section 13-902 of the Public Utilities Act).

Helio has requested that the Commission make certain declarations and grant certain waivers of the Act, and from the rules and regulations of the Commission. The services the Applicant proposes to provide will be competitive telecommunications services, as described in Section 13-502(b) of the Act. The Applicant is required to file tariffs with the Commission under Section 13-501 of the Act, describing the nature of its services, the applicable rates and charges and the terms and conditions of the service provider. If the Applicant files the required tariffs in compliance with Section 13-502(e) and the rules adopted thereunder in 83 Ill. Admin. Code Section 745, many of the provisions of the Act, as well as regulations adopted by the Commission in Title 83 of Illinois Administrative Code, will be inapplicable to the Applicant.

The Applicant seeks waivers of 83 Ill. Admin. Code Sections 710 and 735. Section 710 is entitled "Uniform System of Accounts for Telecommunications Carriers" and Section 735 is entitled "Procedures Governing the Establishment of Credit, Billing Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois. "

Helio's request for a waiver of 83 Ill. Admin. Code Section 710, which governs maintaining books and records under the Uniform System of Accounts, should be granted in order to reduce the economic burdens of regulation on a company that provides only competitive services.

Helio's request for a waiver of Section 735 should also be granted, since the rules contained therein are not applicable to interexchange services and it is only seeking authority to provide interexchange services.

The Applicant additionally seeks permission to keep its books and records at its principal place of business in California, rather than Illinois, pursuant to 83 Ill. Admin. Code Section 250, which governs maintaining books and records in Illinois. This request should be granted, in accordance with Section 5-106 of the Act.

The Commission, having reviewed the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the Applicant and the subject-matter herein;
- (2) the Applicant, Helio LLC, a Delaware Limited Liability Company that is authorized to transact business in Illinois, is seeking to obtain a certificate of service authority pursuant to Section 13-404 in order to provide resold interexchange and exchange services throughout the State of Illinois, and as such, it provides telecommunications service within the meaning of Section 13-203 of the Act;

- (3) as is required by Section 13-404 of the Act, Helio, LLC possesses the requisite technical, financial and managerial resources to provide telecommunications services throughout the state of Illinois;
- (4) the recitals of fact and conclusions therein stated in the above portions of this Order are supported by the record and are hereby adopted as findings of fact;
- (5) Helio, LLC is granted a waiver of 83 Ill. Admin. Code Section 710, governing the Uniform System of Accounts, provided that Helio, LLC maintains its accounting records in accordance with Generally Accepted Accounting Principles in a level of detail similar to the accounting system it current uses and in sufficient detail to comply with all applicable tax laws;
- (6) Helio, LLC is granted a waiver of 83 Ill. Admin. Code Section 735, as it relates to credit, billing, deposits and termination of services;
- (7) pursuant to 83 Ill. Admin. Code Section 250, Helio, LLC should be allowed to maintain its books and records at its principal place of business in California;
- (8) Helio, LLC should file with the Commission a tariff consisting of its rates, rules and regulations, in accordance with Sections 13-501 and 13-502 of the Act, to be effective upon proper filing, before commencing service.

IT IS THEREFORE ORDERED that Helio, LLC is granted a Certificate of Service Authority pursuant to Section 13-404 of the Act and that its Certificate of Service Authority should read as follows:

CERTIFICATE OF RESELLER AUTHORITY

IT IS HEREBY CERTIFIED that Helio, LLC is authorized pursuant to Section 13-404 of the Public Utilities Act to provide resold interexchange and exchange telecommunications services within the State of Illinois.

IT IS FURTHER ORDERED that Helio, LLC, is required to file with this Commission a tariff consisting of its rates, rules and regulations, to be effective upon proper filing, before commencing service.

IT IS FURTHER ORDERED that the Helio, LLC is granted its request for a waiver of 83 Ill. Adm. Code Section 710, regarding the Uniform System of Accounts, as long as it maintains its accounting records in accordance with Generally Accepted Accounting Principles.

IT IS FURTHER ORDERED that Helio, LLC is granted its request for a waiver of 83 Ill. Adm. Code Section 735, as is set forth in finding (6) above.

IT IS FURTHER ORDERED that Helio, LLC is granted its request for a waiver of 83 Ill. Adm. Code Section 250, in order that it may keep its books and records at its principal place of business in the State of California.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code Section 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 8th day of February, 2006.

(SIGNED) CHARLES E. BOX

Chairman